

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

ALL CLASS ACTIONS

Judge Patti B. Saris

**PLAINTIFFS' SECOND SUPPLEMENTAL PRETRIAL DISCLOSURES
PURSUANT TO THE COURT'S AMENDED PRETRIAL ORDER OF
AUGUST 21, 2006 AS TO EXHIBITS**

Plaintiffs' supplement their Second Amended Pretrial Disclosures (Dkt. No. 3275) filed on October 27, 2006 with the following exhibits:

Ex.	Prod. No.	Date	Description	Objections
4042			2005 edition of Red Book (partial)	
4043		9/28/00	Letter to Hon. Tom Bliley from Alan F. Holmer of PhRMA	
4044		9/25/00	Letter to Alan F. Holmer of PhRMA from Hon. Tom Bliley	
4045		12/21/00	Public Law 106-554	
4046			Remicade Billing Guide	
4047	BMS/AWP/001487900-148907	3/3/03	Memorandum to Michael Pollock and Faheem from Marsha Peterson re Western Regional Summary – February	

Ex.	Prod. No.	Date	Description	Objections
4048		3/14/02	Email to multiple recipients from Craig M. Wilson re Dr. Giangreco	
4049			Plaintiffs' Shared Enterprises chart (corrected)	
4050		11/15/04	Settlement Agreement and Release in <i>In re Lupron Marketing Sales & Practices Litigation</i>	
4051		8/26/05	Final Order & Judgment in <i>In re Lupron Marketing Sales & Practices Litigation</i>	
4052		8/16/01	Medicare Carriers Manual Part 3 – Claims Process	
4053			Article by Ray Painter, M.D: “Reimbursement Issues With Hormonal Therapies For Prostate Cancer”	
4054		3/1/05	Article by Ray Painter, M.D. – “FAQ About In Office Injections: What you need to know	
4055			1998-2005 Red Books (partial)	
4056			Selection from glossary of Robert P. Navarro's Managed Care Pharmacy Practice	

Ex.	Prod. No.	Date	Description	Objections
4057			Article by Mireille Jacobson, <i>et al.</i> : Does Reimbursement Influence Chemotherapy Treatment for Cancer Patients?	
4058		1/00	Report to the Congress: Effects of Medicare Payment Changes on Oncology Services	
4059		7/13/06	Statement of Frederick M. Schnell, M.D. before House Committee on Ways and Means	
4060		5/01	ASCO: Report of the Medicare Payment Methods for Cancer Chemotherapy	
4061		10/3/02	Vol. 67, No. 192 of Federal Register	
4062		7/24/06	OIG Targets 46 Part B Physician-Administered Drugs for Possible Rate Cut, Based on ASP Versus AMP Prices	
4063		4/06	Monitoring Medicare Part B Drug Prices: A Comparison of Average Sales Prices to Average Manufacturer Prices	
4064		6/06	Comparison of Fourth Quarter 2005 Average Sales Prices to Average Manufacturer Prices: Impact on Medicare Reimbursement for Second Quarter 2006	

Ex.	Prod. No.	Date	Description	Objections
4065		7/06	Comparison of Fourth Quarter 2005 Average Sales Prices to Average Manufacturer Prices: Impact on Medicare Reimbursement for Second Quarter 2006	
4066			Remicade WAC Spread Analysis	
4067		6/05	Prices for Brand-Name Drugs Under Selected Federal Programs	
4068		9/21/01	Prepared Witness Testimony of Thomas A. Scully	
4069			Changes in Medicare Reimbursement for a Typical Administration of Zoladex	
4070			Changes in Medicare Reimbursement for a Typical Taxol Administration	
4071			Changes in Medicare Reimbursement for a Typical Remicade Administration	
4072			Changes in Medicare Reimbursement for a Typical Procrit Administration	
4073		10/11/06	Letter to Mark McClellan from Glenn M. Hackbarth, J.D.	
4074			Review of CMS's preliminary estimate of the physician update for 2005	
4075	FDB-AWP 28850-28852	9/91	First DataBank Monthly Interest	

Ex.	Prod. No.	Date	Description	Objections
4076	FDB-AWP 15102-15106	3/15/00	The Office Guide to AWP Pricing	
4077			1991-2003 Red Books (partial)	
4078	WPX0007479		Albuterol Sulfate price announcement	
4079	WP 0023805A	2/21/95	Memo to multiple recipients from Harvey Weintraub re Albuterol Solution 20ml Price Change	
4080	WP00001552A	2/23/95	Letter to Jeanette Murphy from Harvey J. Weintraub	
4081	WCT0022248	2/23/95	Letter to Warrick Accounts from Harvey J. Weintraub	
4082	WCT0022294	2/23/95	Letter to Warrick Accounts from Harvey J. Weintraub	
4083	WCT0134420	9/21/95	Letter to Mr. Pat Byrnes from Al Graf	
4084	WCT0002017		GPP Program New Product Proposal	
4085	WAC0134561		Price Change	
4086	SWO173547	11/18/97	Letter to Mr. Jacob Blatt from Harvey J. Weintraub	
4087	WCT0022405		Price Change	
4088	WAC0022782		New Product Proposal	
4089	WP00012630A	9/7/95	Memo re Price Increase	
4090	SPF00000499-501	7/16/02	Email to multiple recipients from Aracelia Vila re Commitment to Care	
4091		2/06	Calculation of Volume-Weighted Average Sales Price for Medicare Part B Prescription Drugs	

Ex.	Prod. No.	Date	Description	Objections
4092			Market Watch article, When The Price Isn't Right: How Inadvertent Payment Incentives Drive Medical Care	
4093	SPF00020502-505	4/18/02	Email to multiple recipients from Todd Grisco re: 2001 CTC numbers	
4094	SPF00020506-508	4/18/02	Email to multiple recipients from Todd Grisco re: 2001 CTC Free Drug	
4095			Changes in Medicare Reimbursement for a Typical Albuterol 0.083% Prescription	
4096			Number of Observations of Drug-Specific Average Spreads	

DATED: December 15, 2006.

By /s/ Steve W. Berman

Thomas M. Sobol (BBO#471770)

Edward Notargiacomo (BBO#567636)

Hagens Berman Sobol Shapiro LLP

One Main Street, 4th Floor

Cambridge, MA 02142

Telephone: (617) 482-3700

Facsimile: (617) 482-3003

LIAISON COUNSEL

Steve W. Berman

Sean R. Matt

Hagens Berman Sobol Shapiro LLP

1301 Fifth Avenue, Suite 2900

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594

Elizabeth Fegan
Hagens Berman Sobol Shapiro LLP
60 W. Randolph Street, Suite 200
Chicago, IL 60601
Telephone: (312) 762-9235
Facsimile: (312) 762-9286

Eugene A. Spector
Jeffrey Kodroff
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Kenneth A. Wexler
Jennifer Fountain Connolly
The Wexler Firm LLP
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Marc H. Edelson
Allan Hoffman
Edelson & Associates LLC
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Donald E. Haviland, Jr.
The Haviland Law Firm
740 S. Third Street, 3rd Floor
Philadelphia, PA 19147
Facsimile: (215) 392-4400
Telephone: (215) 609-4661

**CO-LEAD COUNSEL FOR
PLAINTIFFS**

CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE
Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on December 15, 2006, I caused copies of **PLAINTIFFS' SECOND SUPPLEMENTAL PRETRIAL DISCLOSURES PURSUANT TO THE COURT'S AMENDED PRETRIAL ORDER OF AUGUST 21, 2006 REGARDING EXHIBITS** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman
Steve W. Berman